

**Harry E. Brown**  
[REDACTED]  
Hackettstown, NJ 07840

February 1, 2008

Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

Re: MUR # 5973

Dear General Counsel:

This complaint alleges violations of the Federal Election Campaign Act of 1971, as amended (the "Act") by the Warren County Democratic Committee. ("WCDC") and Michael Sedita, its Chairman, an organization and individual who are not registered with the Federal Election Commission and are illegally undertaking partisan voter registration activities, get out the vote operations and funding election-related public communications intended to influence the upcoming election. This letter summarizes the extent to which the Commission must investigate WCDC's election-related activities to determine the extent of its violations of the Act. 2 U.S.C. § 431 *et seq.*

**I. BACKGROUND**

WCDC is a county political party committee organized under the laws of the State of New Jersey. Upon information and belief, it does not maintain a separate, federal account.

**II. FACTS**

February 5, 2008 is the presidential primary election date in the State of New Jersey.

Under the Bipartisan Campaign Reform Act ("BCRA"), any communication that mentions a clearly identified federal candidate must be paid for with 100 percent federal dollars.

On or about January 28, 2008, the WCDC caused to be mailed by presorted standard rate mail a political postcard promoting Joe Biden, Hillary Clinton, Chris Dodd, John Edwards, Mike Gravel, Dennis Kucinich, Barack Obama and Bill Richardson as Democratic presidential candidates and calling on voters to "vote democratic" on February 5, 2008. It contains the "Paid for By" designation: "Paid for by the Warren County Democratic Committee, PO Box 415, Washington, NJ 07882." It is alleged that this non-allocable political activity is in direct violation of the BCRA. In addition, the

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WCDC postcard directs phone and e-mail inquiries ultimately to its website, <http://campaignwindow.com/wcdems/>, which in turn promotes federal office candidates in direct violation of the BCRA. A copy of the postcard is attached hereto and incorporated herein by reference.

In short, the use of the candidates' names constitutes federal election activity within 120 days of an election and thus, must be paid for with federal dollars. Upon information and belief, the WCDC does not have a federal election account. Therefore, this mailer constitutes an unlawful expenditure and subjects the WCDC to the reporting requirements of the FEC and BCRA.

### III. LEGAL ANALYSIS

#### A. Political Committee Status

By failing to register and report as a political committee under the Act, WCDC has violated federal law. Political committees, under 2 U.S.C. § 431(4), must register and report with the Commission to fully disclose their donors and expenses. WCDC has failed to register and report, yet its public activities indicate that its purpose is to engage in campaign activities related to a federal election. By failing to report its activity to the Federal Election Commission, WCDC has hidden from public view the source of its funding, concealing links donors may have to other groups and campaigns.

Section 431(4) of Title 2 defines the term "political committee" to mean "any committee, club, association or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. § 431(4); 11 C.F.R. § 100.5(a). A "contribution" is defined as "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office...." 2 U.S.C. § 431(8)(A). An "expenditure" is defined as "any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office...." 2 U.S.C. § 431(9)(A).

Additionally, and as set forth above, upon information and belief, since the WCDC does not maintain a federal election account and did not pay for its postcard or website with federal election dollars, those mediums amount to material violations of the BCRA and cannot be condoned.

### IV. RELIEF SOUGHT

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Based on the foregoing information, there is ample evidence to support a Federal Election Commission investigation into WCDC's election-related activities in the State of New Jersey. WCDC must be required to register and report with the Federal Election Commission as a political committee under the Act and Commission regulations. This would allow the public to learn the complete source of funds that WCDC has used to promote the Democratic Party and its candidates in the upcoming February 5<sup>th</sup> election.

In addition, WCDC has engaged in impermissible, partisan political activities in that it is promoting federal candidates for federal office without using federal dollars or a federal account. The Commission must, if these violations are found to be made in knowing and willful disregard of the law, seek penalties amounting to no less than 200% of the amount of the violation. Furthermore, the Commission must enjoin the WCDC from future activities. The Commission may also seek any additional remedy, civil or equitable, it deems necessary and appropriate to uphold the enforcement objectives of the Act and Commission regulations.

Please do not hesitate to contact me if you have any further questions regarding this matter.

Respectfully submitted,



Harry E. Brown

Verification

The complainant hereby verifies that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn to pursuant to 18 U.S.C. § 1001.

For - Harry E. Brown



Harry E. Brown

Sworn to and subscribed before me this 1<sup>st</sup> day of February, 2008



Notary Public  
Douglas J. Stein  
Attorney at Law  
New Jersey

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- Joe  
**BIDEN** ☒
- Hillary  
**CLINTON** ☒
- Chris  
**DODD** ☒
- John  
**EDWARDS** ☒
- Mike  
**GRAVEL** ☒
- Dennis  
**KUCINICH** ☒
- Barack  
**OBAMA** ☒
- Bill  
**RICHARDSON** ☒

WHO WILL BE OUR  
NEXT PRESIDENT?

**VOTE**  
**FEBRUARY 5th, 2008**  
**NJ DEMOCRATIC**  
**PRESIDENTIAL PRIMARY**

DON'T LET  
SOMEONE ELSE  
CHOOSE FOR YOU!

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**M**ost likely, a Democrat will be elected President this November.

On February 5th, New Jersey Primary voters will cast their ballots for the next President of the United States.

Don't be left out. Go to the polls on primary election day and say "I want to vote as a Democrat!" Bring this card with you as a reminder.

For more information, email [info@wcdems.org](mailto:info@wcdems.org) or call 800-752-5426.

Paid for by the  
Worm County  
Democratic Committee  
PO Box 416  
Washington, NJ 07882

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